

SUMMARY REPORT OF INVESTIGATION¹**I. EXECUTIVE SUMMARY**

Date / Time of Incident:	January 11, 2014, approximately 9:30 p.m.
Location of Incident:	900 S. Colfax Avenue, Chicago, Illinois
Date / Time of COPA Notification:	January 13, 2014, approximately 11:17 a.m.

Chicago Police Department (“CPD”) Officer [REDACTED] (“Officer [REDACTED]”) used physical force to remove a twelve-year-old boy from the back seat of a squad car. The Civilian Office of Police Accountability (“COPA”) has concluded that the Officer [REDACTED] use of force was not within department policy, nor was it reasonable.

II. INVOLVED PARTIES

Involved Officer #1:	Officer [REDACTED] Star # [REDACTED] Employee ID# [REDACTED]
	Date of Appointment: [REDACTED] 1990, Rank: Police Officer;
	Unit of Assignment: [REDACTED] DOB: [REDACTED] 1966, M/B

Involved Individual #1:	[REDACTED] DOB: [REDACTED] 2001, M/B
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III. ALLEGATIONS²

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. It is alleged that on 12 January 2014, at approximately 2224 hours, at or about 7900 S. Colfax, during a curfew investigation, you pulled [REDACTED] arm, grabbed his coat, choked him, and pulled his hair, and repeatedly pushed him against the door of the squad car.	Sustained/10 day Suspension

IV. APPLICABLE RULES AND LAWS

Rules
1. Rule 8, CPD Rules of Conduct (prohibiting maltreatment)
2. Rule 9, CPD Rules of Conduct (prohibiting unjustified physical altercations)
General Orders
1. G03-02 <i>Use of Force Guidelines</i> (Effective date: October 1, 2002)

¹On September 15, 2017, COPA replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

²This allegation was brought by an Independent Police Review Authority investigator on March 11, 2014.

V. INVESTIGATION³

a. Interviews

[REDACTED]

During an interview with Independent Police Review Authority (“IPRA”) investigators on January 16, 2014, [REDACTED] ([REDACTED] told investigators that on the night of January 11, 2014 he was stopped by two CPD officer for a curfew violation. During the stop, one of the officers pulled him from the rear of the squad car, banged him against the car, chocked him, and pulled his hair. This force continued until the officer’s partner (female) asked the officer [REDACTED] to stop.⁴

b. Documentary Evidence

Officer [REDACTED]

Officer [REDACTED] (“Officer [REDACTED]” submitted a To/From Report to IPRA dated March 13, 2014.⁵ Officer [REDACTED] reported that she was partnered with Officer [REDACTED] at the time in question when the two of them detained [REDACTED] along with two other juveniles for a suspected curfew violation. At some point during the detention, [REDACTED] was placed into the rear of the officers’ squad car. In pertinent part, Officer [REDACTED] reported:

I heard Officer [REDACTED] and one of the curfew violators engage in a verbal interaction. I did not hear precisely what was said until Officer [REDACTED] raised his voice and asked the subject, [REDACTED] ‘Who do you think you’re talking to?’ At that point Officer [REDACTED] removed the subject from the rear seat of the police vehicle and *was pulling and pushing Mr. [REDACTED] by his coat collar* [emphasis added]. I told Officer [REDACTED] to stop and leave the subject alone and get back in the vehicle. I did not observe Officer [REDACTED] choke the individual, nor pull him by the arm; however, I did witness Officer [REDACTED] grab the subject’s hair. I could not tell, from my vantage point, whether Officer [REDACTED] pushed the subject into the door or the quarter panel of the vehicle. ...[W]hen we released the subjects to the responsible adult, [REDACTED] told his aunt, [REDACTED] that Officer [REDACTED] had abused him. Officer [REDACTED] told Ms. [REDACTED] that [REDACTED] ‘had a mouth on him/ and he, Officer [REDACTED] had ‘straightened him out.

³The following is a summary of the material evidence relied upon by COPA in our analysis.

⁴ Attachment 10.

⁵ Officer [REDACTED] Report is Attachment 26. IPRA made a request (Attachment 20) for that report after interviewing [REDACTED] and his juvenile sister, who was present during the incident under investigation. COPA has not relied upon the interviews of those juveniles in our analysis.

Officer [REDACTED]

Officer [REDACTED] submitted a To/From Report to IPRA dated March 13, 2014.⁶ In pertinent part, Officer [REDACTED] reported:

While inside the squad car, [Officer] [REDACTED] # [REDACTED] attempted to get information from one of the other juveniles. [REDACTED] was talking loud and acting immaturely. This behavior caused [Officer] [REDACTED] to have difficulty hearing the responses of the other juveniles. R/O made numerous requests of [REDACTED] to end the behavior which would allow the report to be completed. [REDACTED] ignored the multiple requests. R/O requested [REDACTED] exit the squad car with R/O so the curfew form could be completed by [Officer] [REDACTED] on the other juveniles. R/O exited the squad car and opened the rear door allowing [REDACTED] to also exit the vehicle. [REDACTED] moved closer to the other juveniles in the opposite direction of the door seemingly attempting to remain inside the vehicle. As R/O reached in to assist him in exiting the squad car, [REDACTED] laid across the other two juveniles in the backseat of the squad car. At this point R/O grabbed the rear collar of [REDACTED] coat. As [REDACTED] exited the vehicle he exclaimed, 'Man, you pulled my hair.' Upon hearing this statement and seeing that [REDACTED] had locks (lengthy braids), R/O immediately released [REDACTED] collar unsure if his hair was caught in the grasp with the collar. When R/O released [REDACTED] collar, [REDACTED] began to walk away. R/O then grasped his coat sleeve effectively preventing him from fleeing."

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an

⁶ Officer [REDACTED] Report is Attachment 25.

investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

COPA finds that the allegation against Officer [REDACTED] is supported by a preponderance of the evidence.

First, in his report Officer [REDACTED] makes an admission that he forcibly removed [REDACTED] from the rear of the squad car. Officer [REDACTED] further admits to grabbing [REDACTED] sleeve once [REDACTED] is out of the squad car.

Second, in her report Officer [REDACTED] described Officer [REDACTED] use of force as, "pulling and pushing [REDACTED] by his coat collar" after [REDACTED] was removed from the rear of the squad car.

Third, we find that neither officers' report suggests any *legitimate* law enforcement reason justifying Officer [REDACTED] use of force. In fact, we find that Officer [REDACTED] report not only lacked any reasonable explanation for Officer [REDACTED] use of force, we believe the report suggested that Officer [REDACTED] disagreed with it, in that she asked Officer [REDACTED] to stop and leave [REDACTED] alone. While Officer [REDACTED] did suggest that he remove [REDACTED] from the vehicle so that Officer [REDACTED] could complete paperwork, Officer [REDACTED] reports fails to corroborate this point. Equally important, this justification fails to explain why Officer [REDACTED] would be justified in pushing and pulling at [REDACTED] collar after he was removed from the vehicle. Finally, at the start of Officer [REDACTED] use of force, all three juveniles appeared to be detained in the rear of the officers' squad car and posed no physical threat to either officer.

Fourth, we find that the alleged force is substantially similar to the force described by Officers [REDACTED] and [REDACTED] alleged that Officer [REDACTED] grabbed his collar, choked him, and pushed him against the squad car. Collectively, the officers described [REDACTED] as being removed from the squad car by grabbing his shirt collar and then pushing and pulling him once out of the car. We find any differences in the described conduct nothing more than differences in perception.

In sum, these four factors taken together are persuasive evidence that Officer [REDACTED] use of force was more likely than not unjustified. Since an unjustified use of force would fail to support any permissible use of force as outlined in CPD's *Use of Force Guidelines* that were in effect at the time incident,⁷ the allegation against Officer [REDACTED] is sustained.

⁷See G03-02 *Use of Force Guidelines* (effective date: October 1, 2002)

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**Officer [REDACTED]**

i. **Complimentary and Disciplinary History:** Problem Solving Award, 1; Democratic National Convention Award, 1; Attendance Recognition Award, 2; 2004 Attendance Recognition Award, 1; Honorable Mention, 17; Department Commendation, 2; Complementary Letter, 1; NATO Summit Service Award, 1; 2009 Crime Reduction Award, 1. Officer [REDACTED] has no prior SPAR or CR history within the last 7 years.

ii. Recommended Penalty

Allegation No. 1: It is alleged that on 12 January 2014, at approximately 2224 hours, at or about 7900 S. Colfax, during a curfew investigation, you pulled [REDACTED] arm, grabbed his coat, choked him, and pulled his hair, and repeatedly pushed him against the door of the squad car.

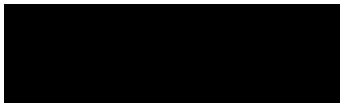
Based on the age of the complainant (12 years old) and Officer [REDACTED] complete inability to offer any proper justification to support his use of force, COPA's disciplinary recommendation is a 10-day suspension.

IX. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. It is alleged that on 12 January 2014, at approximately 2224 hours, at or about 7900 S. Colfax, during a curfew investigation, you pulled [REDACTED] arm, grabbed his coat, choked him, and pulled his hair, and repeatedly pushed him against the door of the squad car.	Sustained/10 day Suspension

Approved:



July 2, 2019

Andrea Kersten
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	[REDACTED]
Investigator:	[REDACTED]
Supervising Investigator:	[REDACTED]
Deputy Chief Administrator:	Andrea Kersten